

REMARKS

Reconsideration and withdrawal of the rejection set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1, 3-5, 10 and 12 remain pending in the application, with Claims 1, 10 and 12 being independent. Claims 1, 5, 10 and 12 have been amended herein.

Claims 1, 3-5, 10 and 12 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,318,834 (Otsuka, et al.). This rejection is respectfully traversed.

The present invention is applicable in an apparatus or process in which a cleaning operation is executed at a predetermined timing during print standby until a print signal is received after a printer is powered on. With the present invention, the cleaning operation can be inhibited when a presence/absence of the ink tank is detected and it is indicated that the ink tank is not attached to the printhead in a case that the cleaning operation is intended to be executed at the predetermined timing during the print standby.

In the ink jet recording apparatus and method of Otsuka, et al., a cartridge absence time period, during which a cartridge is not mounted on an ink jet recording apparatus, can be detected. Based on the cartridge absence time period, the amount of ink to be suctioned for cleaning when the ink cartridge is mounted can be set. As discussed previously, the detection and cleaning operations in Otsuka, et al. are executed when the

power ON procedure is performed, as described beginning at column 5, line 61 and in the flowchart of Figure 5. Otsuka, et al. does not disclose or suggest that these operations are executed during print standby, which is after a power ON procedure.

Accordingly, Otsuka, et al. fails to disclose or suggest at least inhibiting a cleaning operation when presence/absence of an ink tank is detected and it is indicated that the ink tank is not attached to the printhead in a case that the cleaning operation is intended to be executed at a predetermined timing during print standby, as is recited in independent Claims 1, 10 and 12.

Thus, independent Claims 1, 10 and 12 are patentable over the citation of record. Reconsideration and withdrawal of the §§ 102 and 103 rejections are respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the present invention is patentably defined by independent Claims 1, 10 and 12. Dependent Claims 3-5 are also allowable, in their own right, for defining features of the present invention in addition to those recited in independent Claim 1. Individual consideration of the dependent claims is requested.

This Amendment After Final Rejection is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. This Amendment was not earlier presented because Applicants earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 CFR 1.116 is respectfully requested.

Applicant submits that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejection set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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